

**STAFF DRAFT- NOT APPROVED BY AGENCY- JANUARY 10, 2013
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**APA General Permit
2008G-1B
Application**

Permit Number:
(Note: changes are in **bold and underline** and strikethroughs are deleted text).

Expiration Date:
January 1, 2016

Application and Certification for Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques

Instructions: Please answer all of the questions in each section and complete the required attachments. Submit this form with the required attachments in person or by mail to the Deputy Director, Regulatory Programs, Adirondack Park Agency at the above address. A site visit by Agency staff ~~is~~ **may be** required.

Section A- Applicability

This General Permit authorizes the following:

1. Allows NYSDEC, LGPC, HRBRD, Adirondack Park Invasive Plant Program (APIPP), qualified lake associations or other qualified organizations, local municipalities, certified lake managers, and experienced lake managers subject to approval by the Agency to use benthic barriers and hand harvesting techniques to control aquatic invasive species in wetlands subject to Agency jurisdiction.
2. Allows for the removal and/or control of the following aquatic invasive species: Eurasian watermilfoil (*Myriophyllum spicatum*), curlyleaf pondweed (*Potamogeton crispus*), water chestnut (*Trapa natans*), yellow floating heart (*Nymphoides peltata*), European frog-bit (*Hydrocharis morsus-ranae*), fanwort (*Cabomba caroliniana*), Asian clam (*Corbicula fluminea*) and those other species identified by the Supervisor, Resource Analysis and Scientific Services (RASS) Division or designee.
3. Control activities are authorized on privately owned waterbodies or watersbodies owned by the State of New York and under the jurisdiction of the NYS Office of General Services or NYSDEC including lands classified as Forest Preserve.

Section B-Project Information

Name of Project Sponsor:

Mailing Address:

Telephone Number (daytime):

FAX:

Authorized Representative:

Mailing Address:

Telephone Number (daytime):

FAX:

Prior Agency Contact:

Have you had any previous discussions with Agency staff regarding the proposed activities involving wetlands or has any Agency staff visited the project site with you or your representative?

_____ No

_____ Yes, staff person's name: _____ Date of Contact: _____

Name of Certified Lake Manager or Aquatic Consultant Responsible for Management Program:

Name of Company:

Certified Lake Manager or Consultant:

Mailing Address:

Telephone No:

FAX:

Project Site Location:

Town(s):

Village:

County (ies):

Nearby Road(s):

Tax Map Number (s): (applies to privately owned waterbodies only)

Section _____ Block _____ Parcel _____

Section _____ Block _____ Parcel _____

Section _____ Block _____ Parcel _____

Waterbody

Name of Waterbody:

Size of waterbody:

Maximum depth:

Mean depth:

Is your lake association an active participant in the Citizens Statewide Lake Assessment Program or other water quality monitoring program? If so, please provide a copy of the most recent annual report.

Section C- Terms

Applicability:

1. This general permit only authorizes NYSDEC, LGPC, HRBBRD, APIPP, qualified lake associations or other qualified organizations, local municipalities, certified lake managers, and experienced lake managers subject to approval by the Agency to conduct the work. A qualified lake association is defined as: (i) a Not-For-Profit Corporation; (ii) recognized by the local municipality; (iii) that can demonstrate that they represent the majority of lakeshore owners. Note: individual shoreland owners are still allowed to hand harvest nuisance aquatic plants as outlined in APA guidance document entitled "Hand Harvesting of Nuisance Aquatic Plants in Water Depths Less Than 2 Meters."

This general permit authorizes work to be conducted on State Lands including Forest Preserve lands under water approved by the NYSDEC in a site specific work plan and as authorized in an AANR or TRP, and determined to be jurisdictional wetland subject to approval by the Agency.

2. This general permit authorizes the management of aquatic invasive species including Eurasian watermilfoil (*Myriophyllum spicatum*), curlyleaf pondweed (*Potamogeton crispus*), water chestnut (*Trapa natans*), yellow floating heart (*Nymphoides peltata*), European frog-bit (*Hydrocharis morsus-ranae*), fanwort (*Cabomba caroliniana*), Asian clam (*Corbicula fluminea*) and those other species identified by the Supervisor, Resource Analysis and Scientific Services (RASS) Division or designee.
3. This general permit only applies to hand harvesting and benthic barrier use at water depths less than 2 meters. The Agency has previously determined that hand harvesting and the use of benthic barriers in water depths greater than 2 meters are non-jurisdictional activities and no APA permit is required.

Site Visit Requirements:

1. Depending on the proposed activity, size of control area(s) and potential impact to the freshwater wetlands a site visit may be required. Please contact the Agency to arrange for a site visit.

Required Attachments: (your application will not be processed without all required attachments unless otherwise agreed to in advance by Agency staff)

1. Attach a site location map at 1 inch=2,000 feet for the entire project site.
2. If the bed of the lake is privately owned provide a copy of current deed of record for the project site. If ownership is vested with the State of New York provide documentation from either New York State Office of General Services (NYSOGS) or NYSDEC which demonstrates your authority to undertake the proposed project and apply for all necessary approvals and permits.

- a. If the project site is under jurisdiction of NYSOGS, provide a letter from NYSOGS stating that they have no objection to the management activities proposed in this general permit. NYSOGS officials can be contacted at (518)-474-2195.
 - b. If proposed activity is to be undertaken on Forest Preserve lands under water, provide a copy of the site specific work plan, AANR, or TRP indicating NYSDEC has approved the use of hand harvesting and/or benthic barriers for the project site. An original signature from the NYS DEC Regional Natural Resource Supervisor on the final page of this application is required.
3. Name the organization responsible for lake management and document its authority to propose activities with the consent of the riparian owners.
 4. Indicate by name, title, and affiliation who will be implementing the aquatic species control procedures. Include the name of any supervisory personnel who will be onsite during operations.
 5. Provide a copy of all applications for permits or approvals, necessary from local, state, or federal agencies for this proposed project. Provide copies of written approvals and other permits received and names and phone numbers of key points of contacts with said agencies.
 6. Provide a scaled bathymetric map of the lake if available.
 7. Provide an inventory and scaled map of current aquatic plant communities associated with the lake. The applicant is advised to contact the Agency prior to undertaking any aquatic plant survey. The aquatic plant monitoring plan shall be completed by a certified lake manager or experienced lake manager subject to approval by the Agency and shall consist of a detailed lake wide aquatic plant survey, including but not limited to, a list of all aquatic plants observed including, percent cover, relative abundance and location in the lake. The inventory and scaled mapping of the aquatic plant communities are required to evaluate the need for and method of control and will provide a baseline of the existing aquatic plant communities in the lake and effectiveness of the hand harvesting and/or benthic barrier control efforts. The map should clearly show the date and name and title of the person who prepared the map.

Either of the following aquatic plant survey methodologies shall be employed (Note: any existing aquatic plant monitoring plan which has been previously approved by the Agency and/or has been part of a lake wide aquatic plant management effort may be acceptable for purposes of this general permit):

- a. Point Intercept Rake Toss Relative Abundance Method-
This methodology was first developed by US ACE and later modified by researchers at Cornell University. It has since been adopted by NYS DEC as the required aquatic plant monitoring standard for aquatic pesticide applications.
 - Method: One Rake Toss per Site.
 - Number of Sampling Sites (the following are the minimum number of sampling sites unless otherwise agreed to by Agency staff):

Lakes less than 50 hectares(124 acres):

Sample a minimum of 5 sites/hectare of treatment area and a minimum of 1 site/hectare outside the treatment area, for a minimum of 15 sample sites. Sample sites located outside of treatment area shall be evenly distributed throughout the littoral area and shall be representative of the aquatic plant community composition of the waterbody. If protected aquatic plant species are known to be in the area additional sample sites may be required to insure the protection of the species.

Lakes greater than 50 hectares (124 acres):

Sample a minimum of 5 sites/hectare of treatment area and a minimum of 1 site/hectare equally distributed in the area within one mile of the treatment zone(s), for a minimum of 100 sites. Sample sites located outside of treatment area shall be evenly distributed throughout the littoral area and shall be representative of the aquatic plant community composition of the waterbody. If protected aquatic plant species are known to be in the area additional sample sites may be required to insure the protection of the species.

- Site Identification: GPS coordinates, UTM NAD83 preferred.
- Site Mapping: Sites labeled on USGS topographic maps or representative bathymetric base map.
- Plant Identification: Target and exotic plants identified to species level. All other plants identified to genus level.
- Plant Abundance: Quantified by Cornell/US Army Corps Abundance Scale:
 - Z = no plants
 - T = trace plants = fingerful on rake
 - S = sparse plants = handful on rake
 - M = medium plants = rakeful of plants
 - D = dense plants = difficult to bring into boat
- Bookkeeping: Plant IDs, plant abundance listing (see above) and site identification in table format (preferably spreadsheet).
- Archiving (optional): Digital photographs of target and exotic plants.

b. Transect Method (line intercept approach)

- Method: Establish permanent line transects which are representative of the lake and aquatic plant community found in the littoral area. Using the line-intercept approach record all aquatic plant species which intersect the vertical plane of the transect line.
- Number of Sampling Sites:

Lakes < 50 hectares- a minimum of 5 transects which extend perpendicular to the shoreline and extend to just beyond the maximum depth of plant growth (minimum of 50 meters).

Lakes > 50 hectares- a minimum of 10 transects which extend perpendicular to the shoreline and extend to just beyond the maximum depth of plant growth (minimum of 50 meters).
- Site Locations: A minimum of one transect shall be established at each of the following habitats:
 - Littoral zone with presence of target invasive plant species
 - Littoral zone with mix of native aquatic plants and invasive plants
 - Littoral zone without presence of invasive plants
 - Littoral zone in close proximity to inlet and/or outlet

- Within the hand harvesting and/or benthic barrier control areas
- Site Identification: GPS coordinates, UTM NAD83 preferred or use known shoreline fixed reference points.
- Site Mapping: Transect sites labeled on USGS topographic map or representative bathymetric base map.
- Plant Identification: Target and exotic plants identified to species level. All other plants identified to genus level.
- Plant Abundance: in addition to determining species composition and relative abundance at each established transect a whole lake visual assessment of aquatic plant species relative abundance is required.
- Bookkeeping: Plant IDs and Abundance Listing in Table format (preferably spreadsheet).
- Archiving (optional): Digital photographs of target and exotic plants.

8. If the proposed management action is to control non-plant species **using benthic barriers**, provide the aquatic plant inventory information noted in item 7 above for those areas to be treated and for a distance of 100 linear feet from the boundary of such areas. **A minimum of 5 sample sites within the proposed treatment area and 4 sample sites located equidistant around the perimeter of the treatment area shall be required. If protected species are known to be in the area additional sample sites may be required.**
9. Provide location of all areas of proposed control efforts and identify control method (i.e. hand harvesting or benthic barrier) on scaled map requested in item 8 above.

Aquatic Species Management on Forest Preserve

10. Provide copies of all site specific work plans approved by the NYSDEC and any authorized AANR or TRP.

Hand Harvesting

11. If harvested biomass material will be composted onsite identify the location(s) (i.e. tax map parcel number) where the harvested material will be transported for composting. Describe how the material will be transported to this location, and how the material will be stored and how de-watering will be accomplished. Describe any offsite disposal methods which may include composting, burying and incineration (with any necessary NYSDEC permit).

Benthic Barriers

12. Specify the material to be used for the benthic barrier, describe how the mats will be anchored to the lake bed and the means to provide gas venting, if applicable. Describe the organization and/or individual(s) responsible for installing and maintaining the temporary mats and required removal upon achieving control of the target species. Provide details explaining how long the mats will be installed at each treatment location. Identify any water supply intakes or other physical barriers on the bottom at the proposed sites which would make installation difficult or unfeasible?

Section D- General Conditions

1. This general permit is issued based on the expressed understanding that the project will be undertaken and completed only as described in the submitted and approved application and certification and in compliance with the Terms and Conditions contained in the signed individual permit. In the case of conflict, the Terms and Conditions control.
2. The aquatic invasive species management activities described in this signed application and required attachments may not be undertaken unless and until the Agency has made the site visit, if necessary, the application and certification is signed by the Deputy Director, Regulatory Programs (or designee) of the Adirondack Park Agency, and the signed permit is returned to the Permittee.
3. Failure to comply with this general permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
4. Nothing contained in this general permit certification shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit for any entity other than the Agency, whether federal, State, regional or local.
5. By signing the application and certification, the permittee(s) and their contractor(s), if any, accept full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.
6. The Agency may conduct on-site investigations, examinations and evaluations as it deems necessary to ensure compliance with the terms and conditions of this permit. Such activities shall take place at reasonable times and upon advance notice where possible.
7. At the written request of the Agency, the permittee shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.
8. This permit does not grant the permittee any right to trespass upon the lands of, or interfere with the riparian rights of others in order to perform the permitted work, nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.
9. The permittee shall require that any agent, contractor, certified lake manager, or other person responsible for the overall supervision of this project read and understand this permit and approved plans and all terms and conditions prior to undertaking the project. Copies of the signed permit and approved plans shall be kept at the project site during all control activities.
10. Any deviation from the type of project authorized by this permit or failure to comply precisely with all the terms and conditions of this permit and approved plans must be expressly approved in writing and in advance by authorized staff of the Agency.
11. The permittee shall be required to provide 15 days advance mail notice to all shoreland property

owners located adjacent to or within 500 feet of the proposed aquatic species control sites. The notice shall describe the proposed management activity, date(s) and duration of the control activity and name of individual, including daytime telephone number, responsible for supervising the control effort.

12. Additional condition, if any, may be added as determined by the Project Analyst and Deputy Director of Regulatory Programs based on site conditions.
13. For Forest Preserve lands, all biomass material should be removed from the area and properly disposed of at a site off of Forest Preserve. If removing harvest materials off site proves to be difficult due to volume and or distance, permission from the Agency may be requested to scatter these materials. Harvest materials may be scattered on adjacent upland Forest Preserve areas at a minimum distance of 50 horizontal feet from the shoreline and in a manner that the biomass material is not clumped or piled which will eliminate or impede growth of native vegetation.

Benthic Barriers

14. Installation of benthic barriers at any single treatment area shall not exceed 3 acres. **Multiple 3 acre installations may be made within a waterbody provided that** no more than 10 percent of the littoral area is matted at any one time. If multiple locations are to be treated in the same waterbody a minimum of 200 linear feet of untreated area shall remain between treatment areas. Following removal of benthic barriers, the site shall be monitored for invasive plant species **for a minimum of 3 years** and, if found, aggressively hand-harvested in order to prevent recolonization.
15. Unless authorized by the Agency, benthic barrier installations greater than 1 acre in size in any treatment area shall not exceed two treatments within any consecutive two year period.
16. Prior to installation of benthic barriers the aquatic consultant shall survey each site for the presence of NYS rare, threatened or endangered species. Unless authorized by the Agency, if any site contains rare, threatened or endangered species benthic barriers shall not be used or management limited to only hand harvesting around the protected species.
17. Benthic barrier deployed through the winter months shall require removal of all barriers by May 31. The applicant shall be responsible for inventory and retrieval of all benthic barriers, including those which were displaced by wind, ice movement, etc.
18. All benthic barriers placed on Forest Preserve shall be removed by October 1st of the year in which they were originally installed unless otherwise authorized by the Agency and NYSDEC.

Monitoring and Reporting Requirements

19. **Wetland Recovery Monitoring:** Aquatic plant monitoring shall utilize the sampling method previously used for this General Permit. One sampling event shall be required every 3 years following the first year of control using hand harvesting or benthic barriers and continue for the duration of this permit and all subsequent permits or until treatment conclude. Please note that aquatic plant species monitoring should be completed when target species grow most vigorously. The monitoring report shall be in a similar format as previously submitted for this General Permit and shall include a summary of methodology used, site mapping of all rake toss or transect sites, and data tables indicating aquatic plant composition at each site. The monitoring report shall include an evaluation of the

effectiveness of the hand harvesting and/or benthic barrier effort. Report shall be submitted to the Agency by December 31st of year the aquatic plant survey is completed.

20. Annual Reporting: An annual report shall be submitted to the Agency by December 31st each year following each successful field season and shall include at a minimum the following:

- a. Hand harvesting- include summary of amount of biomass material hand harvested (i.e. total number of bags) at each site, total sampling effort(i.e. total dive hours) and note the presence and site location(s) of any rare, threatened, endangered species or exploitably vulnerable species.
- b. Benthic barriers used to treat aquatic vegetation – provide total number of barriers used and total square footage of aquatic plant coverage/control achieved during a season. Note the presence and site location(s) of any rare, threatened, endangered species or exploitably vulnerable species.
- c. Benthic barriers used to treat non plant species – provide total number of barriers used and total square footage of aquatic species coverage/control achieved during the season. Note the presence and site location(s) of any rare, threatened, endangered species or exploitably vulnerable species. Also provide a map showing specific sites treated during the year and provide site specific overlays for these area(s) treated within the prior four years (by year and specifically identify those areas where treatments overlap). Each site shall be identified by a unique identifier and dates of installation and removal shall be provided (including complete inventory of all mats not accounted for).

Additional conditions, if any, as determined by the Project Analyst and Deputy Director of Regulatory Programs based on site conditions:

Section E- Authorization

By signing this permit application, the applicants agree to strictly comply with the terms and conditions of this application and certification.

X _____
Signature of Applicant

X _____
Signature of Project Site Landowner(s)

X _____
Signature of Authorized Representative(s) (if designated above)

The proposed activity has been reviewed and found consistent with the guidelines and criteria of the State Land Master Plan according to inter-agency consultation as provided in the DEC/APA MOU dated March 2010.

X _____ Date: _____
Signature of NYSDEC Regional Natural Resource Supervisor
(Required before regulated activity can be started)

X _____ Date: _____
Signature of APA Environmental Program Specialist or Associate A.P. Project Analyst
(Required before regulated activity can be started)

X _____ Date: _____
Signature of APA Deputy Director, Regulatory Programs (or designee)
(Required before regulated activity can be started)

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